

DECLARATION OF INTENT

by and between

NEW ENGLAND AQUARIUM CORPORATION

and the

BOSTON REDEVELOPMENT AUTHORITY

This Declaration of Intent, entered into as of the 17th day of November, 1964, by and between NEW ENGLAND AQUARIUM CORPORATION, a Corporation duly organized and created under the laws of the Commonwealth of Massachusetts (hereinafter referred to as "NEAC"), and the BOSTON REDEVELOPMENT AUTHORITY, a public body politic and corporate created under the laws of said Commonwealth (hereinafter referred to as the "Authority").

W I T N E S S E T H T H A T:

WHEREAS, the Authority has adopted an Urban Renewal Plan (hereinafter referred to as the "Plan") for the Downtown Waterfront-Faneuil Hall Urban Renewal Project No. Mass R-77 (hereinafter referred to as the "Project"), in the City of Boston, and said Plan has been approved by the Mayor with the approval of the City Council, of the City of Boston; and

WHEREAS, the Plan provides for the acquisition, demolition and removal or rehabilitation of real property in the Downtown Waterfront-Faneuil Hall Project Area (hereinafter referred to as the "Project Area").

NOW, THEREFORE, in consideration of the benefits to accrue to both the Authority and NEAC from the carrying out, specifically, of a plan to build an aquarium and its related facilities within the project area, the parties do hereby set out their intentions and planned proposals concerning the same as follows:

1. The NEAC intends to acquire that area identified as Parcel A-4a as shown on the Disposition Parcel Plan (Central Area), dated (August 19, 1964) (see Exhibit A).
October 29, 1964

2. The NEAC intends to develop an aquarium and its related facilities on Parcel A-4a in accordance with the controls and restrictions of the approved Plan.

3. The NEAC acknowledges that the price to be paid for Parcel A-4a shall be at its fair market value for institutional use in accordance with the Plan and shall be subject to the approval of the Federal Government.

4. The NEAC will submit to the Authority for approval Preliminary Plans and Outline Specifications by December 1, 1964. Such Preliminary Plans shall be accompanied by cost estimates and budget projections for the total development.

5. Upon approval by the Authority of the Preliminary Plans, the NEAC intends to prepare in detail final plans and specifications for submission to the Authority within 120 days.

6. Upon approval by the Authority of the final plans and specifications, NEAC intends to start construction of the aquarium within 30 days.

(7. The NEAC intends to prepare and submit to the Authority for approval, a separate Design Proposal for development of the remaining portions of Parcel A-4 in accordance with the controls and restrictions of the Plan.)

(8.) The NEAC intends to cooperate with the Authority on the 7. architectural elements of the development proposals for Parcel A-4 in order that the development may conform fully to the objectives and controls established for property as expressed in the Plan.

((9.)) The NEAC and the Authority intend to enter into an 8. acceptable Land Disposition Agreement promptly after approval of the Preliminary Plans and Outline Specifications.

9. The Authority will secure the provision of necessary public utilities within the public way at no expense to NEAC.

10. The Authority will provide for the demolition of all wooden decking according to a mutually agreed schedule between the NEAC and the Authority. The Authority also will bear the expense of repairing the existing bulkheads and providing for such fill and retaining walls as are deemed necessary reasonably to protect the area from flooding.

((11. The Authority agrees that a lease agreement between NEAC and the Authority shall be formed to provide for interim parking as close as is feasible to Parcel A-4 until 3 years after opening of the aquarium or until the parking facilities called for in the Plan have been constructed, whichever is earlier. The facilities intended to accommodate not more than 150 automobiles.))

11. The Authority agrees that NEAC may provide for interim parking on Parcel A-4a until the parking facilities proposed in the Plan for the area are constructed or until there is a mutually satisfactory demonstration that there are available in the area sufficient parking spaces to meet the needs of aquarium visitors, whichever is earlier.

IN WITNESS WHEREOF, the NEAC and the Authority have respectively caused this Declaration of Intent to be executed as of the day and year first above written.

NEW ENGLAND AQUARIUM CORPORATION

By

President

BOSTON REDEVELOPMENT AUTHORITY

By

Chairman

DISPOSITION PARCEL PLAN
CENTRAL AREA

OCT. 29, 1964

